



**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 326**

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S326-ASVf-13 [v.2]

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Amends Title [YES]  
First Edition

Date \_\_\_\_\_, 2023

Senator Johnson

1 moves to amend the bill on page 1, lines 2-6, by rewriting the lines to read:

2 "AN ACT TO MAKE PERMANENT THE FIREFIGHTERS' HEALTH BENEFITS PILOT  
3 PROGRAM AND TO RENAME IT THE FIREFIGHTER CANCER INSURANCE  
4 PROGRAM, TO MODIFY THE CURRENT PERCENTAGE DISTRIBUTION OF THE  
5 GROSS PREMIUMS TAX TO FUND THE PROGRAM, AND TO SET A MAXIMUM  
6 RESERVE FOR THE WORKERS' COMPENSATION FUND.";

7  
8 and on page 1, lines 21-26, reads as rewritten:

9 "G.S. 58-84-25. Up to twenty percent (20%), as determined in accordance with  
10 G.S. 58-87-10(f), must be credited to the Workers' Compensation ~~Fund~~-Fund, but in  
11 no event shall the fund reserve exceed forty-five million dollars (\$45,000,000), and  
12 the balance of the twenty percent (20%) must be credited to the Department of  
13 Insurance to be used to fund the Firefighter Cancer Insurance Program. The remaining  
14 net proceeds must be credited to the General Fund. The additional tax imposed on";

15  
16 and on page 2, lines 5-28, by rewriting the lines to read:

17 **SECTION 2.** Chapter 58 of the General Statutes is amended by adding a new Article  
18 to read:

19 "Article 86A.  
20 "Firefighters' Cancer Insurance Program.

21  
22 **"§ 58-86A-1. Purpose.**

23 The purpose of this program is to provide health benefits as authorized by this Article to  
24 eligible firefighters with a new diagnosis of cancer on or after January 1, 2022. The health  
25 benefits provided under this Article shall be supplemental to any other health benefits authorized  
26 by law for firefighters.

27 **"§ 58-86A-2. Definitions.**

28 The following definitions apply in this Article:

- 29 (1) Cancer. – Malignant neoplasms of the body that may be caused by exposure  
30 to heat, radiation, or a known carcinogen, as defined by the World Health  
31 Organization's International Agency for Research on Cancer.



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1           (2)   Eligible firefighter. – A firefighter who meets the requirements of subsection  
2                   (c) of this section.

3           (3)   Fire department. – Any organization that is not a federal agency, including  
4                   any public or government-sponsored organization, that is located and based in  
5                   this State and provides rescue, fire suppression, and related activities.

6           (4)   Firefighter. – As defined in G.S. 58-84-5.

7   **"§ 58-86A-3. Eligibility.**

8       To be eligible to receive benefits under the pilot program, a firefighter:

9           (1)   Must have served in a North Carolina fire department for a minimum of five  
10                  continuous years.

11          (2)   Must have received a new diagnosis of cancer on or after January 1, 2022. A  
12                  firefighter with a diagnosis of cancer prior to January 1, 2022, is not eligible  
13                  for benefits in the pilot program for that previously diagnosed cancer type but  
14                  remains eligible for benefits in the pilot program upon diagnosis of any other  
15                  cancer type. A firefighter is not eligible to receive benefits under the pilot  
16                  program if the firefighter is receiving benefits related to cancer under Article  
17                  1 of Chapter 97 of the General Statutes, the North Carolina Workers'  
18                  Compensation Act.

19   **"§ 58-86A-4. Benefits.**

20       The following benefits shall be provided under this program:

21          (1)   Medical costs reimbursement. – An eligible firefighter shall receive  
22                  reimbursement of up to twelve thousand dollars (\$12,000) for any  
23                  out-of-pocket medical expenses incurred, including deductibles, copayments,  
24                  or coinsurance costs, for each diagnosis of cancer.

25          (2)   Lump sum benefit. – Not to exceed a total of fifty thousand dollars (\$50,000),  
26                  a lump sum benefit of twenty-five thousand dollars (\$25,000) for each  
27                  diagnosis of cancer shall be payable to an eligible firefighter upon sufficient  
28                  proof to the insurance carrier, the Department, or other applicable payor of a  
29                  diagnosis of cancer by a board-certified, licensed physician in the medical  
30                  specialty appropriate for the type of cancer diagnosed.

31          (3)   Disability benefit. – Upon sufficient proof to the insurance carrier, the  
32                  Department, or other applicable payor of total disability resulting from the  
33                  diagnosis of cancer or that the cancer precludes the firefighter from serving as  
34                  a firefighter, the following disability benefits shall be paid to an eligible  
35                  firefighter beginning six months after the total disability or inability to  
36                  perform the duties of a firefighter, whichever applies:

37              a.   For a nonvolunteer firefighter. – A monthly benefit that is either (i)  
38                  equal to seventy-five percent (75%) of the firefighter's monthly salary  
39                  or (ii) five thousand dollars (\$5,000), whichever is less.

40              b.   For a volunteer firefighter. – A monthly benefit of one thousand five  
41                  hundred dollars (\$1,500).

42   **"§ 58-86A-5. Limitations on disability benefit.**

43       The following limitations apply to disability benefits under this section:

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- 1           (1)    Disability benefits shall continue for no more than 36 consecutive months.
- 2           (2)    Any firefighter receiving disability benefits may be required to have his or her
- 3                condition reevaluated to determine if that firefighter has regained the ability
- 4                to perform the duties of a firefighter. If that reevaluation indicates that the
- 5                firefighter has regained the ability to perform the duties of a firefighter, then
- 6                the monthly disability benefits shall cease on the last day of the month the
- 7                reevaluation was conducted.
- 8           (3)    If there is no reevaluation performed under subdivision (2) of this subsection,
- 9                but the firefighter's treating physician determines that the firefighter is again
- 10              able to perform the duties of a firefighter, then the disability benefits shall
- 11              cease on the last day of the month that the physician made the determination.
- 12           (4)    If a firefighter returns to work as a firefighter before exhaustion of the 36
- 13              months of disability benefit an eligible firefighter may receive under this
- 14              section, and if there is a subsequent recurrence of disability caused by cancer
- 15              that again precludes the firefighter from performing the duties of a firefighter,
- 16              then the firefighter shall be entitled to any remaining monthly disability
- 17              benefits, not to exceed 36 months in total.
- 18           (5)    The monthly disability benefit shall be subordinate to any other benefit paid
- 19              from any source to the firefighter solely for a disability related to the cancer
- 20              diagnosis, so long as that source is not private insurance purchased solely by
- 21              the firefighter. Disability benefits under this section shall be limited to the
- 22              difference between the benefit amount paid by the other source and the
- 23              amounts specified under subdivision (3) of subsection (d) of this section.

24    **"§ 58-86A-6. Reporting Requirements.**

25    On January 1 of each year, the Department shall submit a report to the General Assembly and to

26    the Governor that includes the following information:

- 27           (1)    The number, type, and primary work location of all firefighters participating
- 28                in the program. For purposes of this subsection, the term "type" means a
- 29                volunteer, employee, contractor, or member of a rated and certified fire
- 30                department, or employee of a County Fire Marshal's Office whose sole duty
- 31                is to act as fire marshal, deputy fire marshal, assistant fire marshal, or
- 32                firefighter of the county.
- 33           (2)    The number of benefit claims filed, by type.
- 34           (3)    The types of cancer for which benefit claims were filed, by type.
- 35           (4)    All benefits paid out under this section, by type."

36    **SECTION 3.** This act becomes effective July 1, 2023, and applies to the distribution

37    of net proceeds of the gross premiums tax collected on or after that date.

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SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_